

**IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA**

JERRY LEON MASON,

Appellant,

**FILED**

APPELLATE CASE

IN COURT OF CRIMINAL APPEALS NO. C-2014-576

STATE OF OKLAHOMA

vs.

THE STATE OF OKLAHOMA,

JUL 29 2014

Appellee. MICHAEL S. RICHIE  
CLERK

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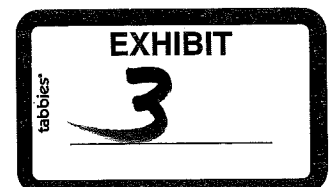
JUL 29 2014 gw

ATTORNEY GENERAL

**MOTION TO DISMISS APPEAL FOR LACK OF JURISDICTION**

Cindy Danner, Chief of the General Appeals Division of the Oklahoma Indigent Defense System (OIDS), moves this Court to dismiss the appeal in this case without prejudice to Mr. Mason's right to appeal should an appeal out of time be properly perfected. This request is made because the Notice of Intent to Appeal and Designation of Record were not filed within the ten days following denial of the Motion to Withdraw Plea. Filing of the Notice of Intent to Appeal and Designation of Record in the District Court within ten days from denial of the Motion to Withdraw Plea is jurisdictional. *See* Rule 4.2 (D), *Rules of the Court of Criminal Appeals*, 22 O.S. 2011, Ch. 18, App. In support of this motion, the Court is asked to note the following:

1. In Tulsa County District Court Case No. CF-2012-4414, Mr. Mason entered pleas of nolo contendere to two counts of first degree rape, one count of forcible sodomy, and one count of first-degree burglary on May 13, 2014.
2. Formal Judgment and Sentence were imposed on May 13, 2014. Mr. Mason was sentenced to twenty-five years' imprisonment for each count in the Department of Corrections and ordered to pay court costs and fees. The sentences were ordered to be served

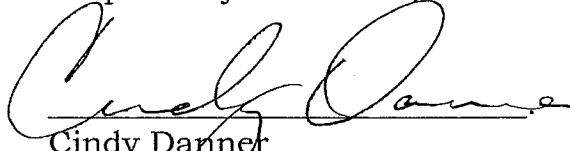


concurrently, with the last seven years of the sentence to be suspended.

3. A Motion to Withdraw Plea was filed May 20, 2014, and denied on June 12, 2014.
4. The written Notice of Intent to Appeal and Designation of Record were filed in the district court on June 25, 2014, and in this Court on July 3, 2014. These documents were due to be filed no later than June 23, 2014, due to the weekend.
5. The Oklahoma Indigent Defense System was appointed to represent Mr. Mason in his appeal on June 30, 2014.

Because the Notice of Intent to Appeal and Designation of Record were not timely filed in the district court, this Court is requested to dismiss the appeal in this case, without prejudice to any legal issues that may be raised should an appeal out of time be sought and granted.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Cindy Danner", written over a horizontal line.

Cindy Danner  
OBA # 12583  
Chief, General Appeals Division  
Oklahoma Indigent Defense System  
PO Box 926  
Norman, OK 73070-0926  
(405)801-2727

**CERTIFICATE OF SERVICE**

I certify that on July 29 2014, a true and correct copy of the foregoing instrument was delivered to the Clerk of this Court with instructions to deliver said copy to the Office of the Attorney General of the State of Oklahoma. I further certify that true and correct copies of this motion were caused to be served upon Appellant, the District Court and Trial Counsel, as listed below, via United States Postal Service, postage prepaid, on the date of filing or following business day.

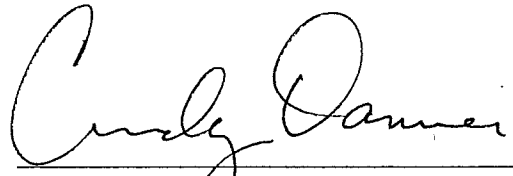
The Honorable Tom Gillert  
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CINDY DANNER